

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's)	
Rules to Ensure Compatibility)	CC Docket No. 94-102
with Enhanced 911 Emergency)	
Calling Systems)	
)	

COMMENTS OF AT&T WIRELESS SERVICES, INC.

Pursuant to the Public Notice released August 2, 2001,^{1/} AT&T Wireless Services, Inc. ("AWS") hereby submits its comments in support of the petition for waiver of the Phase II E911 rules filed by Sprint Spectrum L.P. d/b/a Sprint PCS ("Sprint PCS").^{2/} Like AWS and many other wireless carriers, Sprint PCS has learned that Phase II deployment consistent with the Commission's timelines is nearly impossible given the current state of Phase II location technologies. Sprint PCS's waiver request also underscores the problems that carriers face if they rely upon vendor claims about the availability of their solutions, and demonstrates that the Commission should not rely on similar claims as it evaluates requests for waivers of its Phase II E911 rules.

Sprint PCS's request also reinforces that there is a direct relationship between accuracy performance, channel width, and the air interface in question, i.e., more accurate results can be obtained on a CDMA system with 1,200 kilohertz channels than on systems using narrower

^{1/} See Public Notice, WTB Seeks Comment on E911 Phase II Waiver Request Filed by Sprint Spectrum L.P., CC Docket No. 94-102 (rel. August 2, 2001).

^{2/} Sprint PCS Supplemental Phase II Implementation Report and Request for a Temporary and Limited Waiver, filed July 30, 2001 ("Sprint PCS Petition").

channels like TDMA (20 kilohertz). As the Commission considers each carrier-specific waiver request, it should make individual determinations about what is acceptable accuracy performance given the potential of each air interface.

DISCUSSION

Generally, the Commission's rules may be waived when there is good cause shown and when "special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest."^{3/} In the context of the Phase II E-911 rules, the Commission has recognized that there may be instances where "technology-related issues" or "exceptional circumstances" make it impossible for a wireless carrier to deploy Phase II by October 1, 2001, and individual waivers could be granted in these circumstances.^{4/} The Commission indicated that a request for such a waiver of the Phase II implementation rules should be "specific, focused and limited in scope, and with a clear path to full compliance."^{5/}

Applying these standards, the Commission granted a Phase II waiver to VoiceStream Wireless. The Commission found that VoiceStream's proposal could offer "significant public safety benefits" by immediately providing a level of accuracy and reliability greater than that provided under Phase I, while also ensuring the rapid initial deployment of ALI capability, with a relatively brief transition to even more precise levels of accuracy.^{6/} The Commission also found that VoiceStream had satisfied the "special circumstances" requirement because the

^{3/} Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Fourth Memorandum Opinion and Order, 15 FCC Rcd 17442, ¶ 43 (rel. Sept. 8, 2000) ("Fourth MO&O") (citing Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969)).

^{4/} Id. at ¶ 43.

^{5/} Id. at ¶ 44.

^{6/} Id. at ¶¶ 57-60.

Network Software Solution/Enhanced Observed Time Difference of Arrival (“NSS/E-OTD”) approach it proposed to use “may be the only ALI solution available in the near term for GSM carriers.”^{7/}

Sprint PCS now makes an equally compelling case for a waiver of the Phase II E-911 rules. Specifically, Sprint PCS requests a limited waiver in order to deploy an aided Global Positioning Satellite (“A-GPS”) solution for its CDMA network.^{8/} Like VoiceStream, Sprint PCS has provided a detailed explanation of the technology-related issues and special circumstances that support its waiver request.

As Sprint PCS explains, although it placed timely orders with its vendors and pushed them to meet the Commission’s deadlines, it will not be in a position to complete a simultaneous, national rollout of E911 location systems by October 1, 2001. First, although Sprint PCS is using a handset-based solution, modifications must be made to its existing network infrastructure so that it will support Phase II services. But Sprint PCS’s network vendors, Lucent and Nortel, have not been able to provide the software necessary to collect and pass Phase II location data through the mobile switching centers (“MSCs”) by the deadlines set forth in the Commission’s rules.^{9/} In addition, while Sprint PCS expects to be able to satisfy the requirements that it begin selling location-capable handsets by October 1, 2001 and that 100 percent of all new handsets activated be GPS compatible by December 31, 2002,^{10/} the conversion of the Sprint PCS network to 3G technology has made it unlikely that Sprint PCS will meet the interim handset activation

^{7/} Id. at ¶ 56.

^{8/} Sprint PCS Petition at 2, 7-10.

^{9/} Id. at 3-5, 14-16.

^{10/} Id. at 5.

levels specified in the FCC's rules because of the scarcity of 3G handset chipsets.^{11/} Sprint PCS also notes that the volume and widely-scattered nature of PSAP requests have created serious administrative difficulties that are likely to slow the national rollout of Sprint PCS's location solution.^{12/}

Sprint PCS nevertheless has provided a reasonable path to come into full compliance with the Commission's rules. According to Sprint PCS, at least one market using a Lucent switch should be Phase II compliant by October 1, 2001, and deployment in additional Lucent markets should begin shortly after the October 1 deadline.^{13/} Sprint PCS estimates that it will then need four to five months to complete the Phase II conversion of its Lucent switches.^{14/} Sprint PCS has submitted a detailed proposed deployment schedule for rolling out Phase II service in Lucent markets.^{15/}

While Nortel has been unable to provide the necessary software modifications to Sprint PCS to permit deployment by the October 1, 2001 deadline, Sprint PCS is hopeful that the Nortel software modifications will be available for testing later this year.^{16/} If that occurs, Sprint PCS expects to begin converting Nortel switches to Phase II by the end of the first quarter of 2002, a process that Sprint PCS estimates will take approximately four to five months to complete.^{17/} Moreover, Sprint PCS will have at least one GPS handset model available for sale in commercial quantities by October 1, 2001, and it anticipates purchasing more than five million GPS enabled

^{11/} Id. at 5-6, 11-12, 17, 20-21.

^{12/} Id. at 6, 22-24.

^{13/} Id. at 4, 14-15.

^{14/} Id.

^{15/} Id. at 5, App. A.

^{16/} Id. at 5, 15-16.

handsets before the end of 2002.^{18/} Beginning November 1, 2001 until it is fully compliant, Sprint PCS commits to provide the Commission with quarterly reports on its Phase II implementation efforts.^{19/}

CONCLUSION

Because Sprint PCS has demonstrated exceptional circumstances that satisfy the requirements for a waiver of the Phase II E911 implementation rules, its request for waiver should be granted.

Respectfully submitted,

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^{17/} Id.

^{18/} Id. at 2, 5-6.

^{19/} Id. at 28.